

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 44
PEER ASSISTANCE ENTITY AGREEMENTS

54-4401. DEFINITIONS. As used in this chapter:

(1) "Board" means:

- (a) The state board of podiatry as established in [chapter 6, title 54](#), Idaho Code;
- (b) The state board of chiropractic physicians as established in [chapter 7, title 54](#), Idaho Code;
- (c) The state board of dentistry as established in [chapter 9, title 54](#), Idaho Code;
- (d) The state board of nursing as established in [chapter 14, title 54](#), Idaho Code;
- (e) The state board of optometry as established in [chapter 15, title 54](#), Idaho Code;
- (f) The state board of pharmacy as established in [chapter 17, title 54](#), Idaho Code;
- (g) The state board of medicine as established in [chapter 18, title 54](#), Idaho Code;
- (h) The board of veterinary medicine as established in [chapter 21, title 54](#), Idaho Code;
- (i) The Idaho state board of psychologist examiners as established in [chapter 23, title 54](#), Idaho Code;
- (j) The state board of social work examiners as established in [chapter 32, title 54](#), Idaho Code;
- (k) The Idaho state counselor licensing board as established in [chapter 34, title 54](#), Idaho Code; and
- (l) Any health care related board granted licensing authority by the legislature after July 1, 1993.

(2) "Peer assistance entity" means an organization, a program, a committee or a professional association which is designed to address any or all of the following issues affecting practitioners of the health care professions: chemical dependency and/or impairment; psychological impairment; and mental or physical impairment.

[54-4401, added 1993, ch. 73, sec. 1, p. 194.]

54-4402. AGREEMENTS WITH PEER ASSISTANCE ENTITIES. (1) The board may enter into agreements with peer assistance entities to undertake those functions and responsibilities specified in the agreements which assist the board in performing its duties, implementing disciplinary actions or sanctions, and in addressing potential or confirmed problems of chemical dependency and/or impairment, psychological impairment, and mental or physical impairment affecting board licentiates.

(2) To fund the activities of a peer assistance entity as specified and undertaken under an agreement, the board may annually allocate to the entity a portion of each licentiate registration, certification or licensure fee, or any portion of additional funds available to the board from other sources.

(3) In addition to any other fees or professional dues imposed by the board, the board may make a peer assistance special assessment of not more than fifty dollars (\$50.00) per year to fund the activities of a peer assis-

tance entity. If a board has a statutorily established limit on the amount of professional dues or fees it can assess its licensees, the peer assistance special assessment shall not be included in the total amount of professional dues or fees assessed by a board for such statutory limitation purposes.

(4) Pursuant to [chapter 52, title 67](#), Idaho Code, the board may adopt rules and regulations necessary for the administration of a peer assistance entity program.

[54-4402, added 1993, ch. 73, sec. 1, p. 195.]

54-4403. RECORDS AND PROCEEDINGS OF PEER ASSISTANCE ENTITIES. Except as provided in sections [54-4406](#) and [54-4407](#), Idaho Code:

(1) The records and proceedings of a peer assistance entity which could be used to identify or provide information regarding individual past or present participants in a peer assistance entity program are not subject to subpoena or discovery and are not admissible as evidence in an administrative proceeding or a criminal or civil action.

(2) Members of the board of directors of a peer assistance entity, and employees, contractors and past or present participants in a peer assistance entity program may not be compelled to testify before any agency, board or court with respect to the peer assistance entity's records and proceedings regarding a past or current peer assistance entity program participant nor shall they disclose information or be examined regarding any past or current participant in a peer assistance entity program if that information was obtained as a result of performing duties within his regular scope of functions for the peer assistance entity program, or as a program participant.

(3) Records regarding a participant shall be released if a properly completed release form signed by the participant is submitted.

[54-4403, added 1993, ch. 73, sec. 1, p. 196.]

54-4404. PROTECTED ACTION AND COMMUNICATION. There shall be no liability on the part of and no action for damages against:

(1) Any board member, employee or contractor of a peer assistance entity for any action undertaken or performed by such person within the scope of the functions of such peer assistance entity under this chapter when acting without malice and in the reasonable belief that the action taken by him is warranted; or

(2) Any person providing information to the peer assistance entity without malice in the reasonable belief that such information is accurate.

[54-4404, added 1993, ch. 73, sec. 1, p. 196.]

54-4405. ADMINISTRATIVE RULES. Pursuant to the provisions of [chapter 52, title 67](#), Idaho Code, the bureau of occupational licenses may promulgate such rules as are necessary to properly administer the addition of health care related boards as provided in section [54-4401](#), Idaho Code.

[54-4405, added 1993, ch. 73, sec. 1, p. 196.]

54-4406. REFERRAL IN ADDITION TO OR IN LIEU OF DISCIPLINE. (1) In addition to or in lieu of any disciplinary action, the board may refer a licensee who is chemically dependent or physically or psychologically impaired to a peer assistance entity.

(2) The peer assistance entity shall report to the board and provide all pertinent information concerning any licensee who is referred to the peer assistance entity under subsection (1) of this section.

[54-4406, added 1993, ch. 73, sec. 1, p. 196.]

54-4407. PEER ASSISTANCE ENTITY TO REPORT TO BOARD. (1) The legislature recognizes that confidentiality is essential to obtaining maximum disclosure from impaired health care professionals; such disclosure is vital to the success of the peer assistance process. It is also recognized that the public must be protected from health care professionals who continue to practice in an impaired state.

(2) If the peer assistance entity reasonably believes that a health care professional continues to practice in an impaired state after entering into the peer assistance entity's program and despite the peer assistance entity's recommendations for treatment or modification of practice to remove risk to the public from the effects of the impairment, the peer assistance entity shall immediately notify the appropriate board regarding the impaired health care professional and provide all documentation relevant to substantiate the impaired practice. Similarly, if the licensing board reasonably believes that a health care professional continues to practice in an impaired state, it can require the peer assistance entity to provide all documentation available on the current ability to practice of the individual. Information that does not deal directly with the professional ability to practice will remain privileged.

(3) The board shall have access to financial and administrative records necessary to determine contract compliance and to reports regarding aggregate statistical information; provided, information released pursuant to this subsection shall not contain data which could be used to specifically identify past or present peer assistance program participants.

(4) The board shall have the authority to use any documentation or information supplied to it from a peer assistance entity pursuant to this section or section [54-4406](#), Idaho Code, as it deems necessary and which is consistent with applicable Idaho law.

(5) Nothing in this chapter shall be deemed to supersede any duty to report under [chapter 19, title 6](#), or section [16-1605](#) or [16-1606](#), Idaho Code.

[54-4407, added 1993, ch. 73, sec. 1, p. 196; am. 2005, ch. 391, sec. 58, p. 1314.]